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09/998,324	11/29/2001	Antti Ketola	602.358USW1	5537

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EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,324

Applicant(s)

KETOLA ET AL.

Examiner

Jude J. Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/29/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 05 May, 2005.

Response to Amendment

1. This action is responsive to the application filed on May 5th, 2005. None of the original claims were amended. Claims 1-29 are pending. Claims 1-29 represent a method and system for "implementing supervision in a telecommunication system".

Response to Arguments

2. Applicant's arguments with respect to claims 1, 17 and 29 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following ground of rejection as explained here below (i.e., a method and system for implementing supervision in a telecommunication system).

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-29** are rejected under 35 U.S.C. 102(e) as being anticipated by Pattison et al (Pattison), Patent No. 6,058,163.

Regarding **claim 1**, Pattison discloses a method for automatically configuring supervision and performing supervision in a supervision system (*fig. 1; column 4, lines 23-63*) comprising:

a supervision center (1) (*column 4, lines 23-63; note that the automatic scheduling and monitoring system is built around the environment item 10 of figure 1*);

a supervision block (2) which contains processes performing supervision tasks (*fig. 1, item 34; fig. 5, item 164; column 4, lines 52-65*),

said method comprising the steps of:

monitoring and/or controlling via the supervision center (1) the supervision block (2) processes performing supervision tasks (*column 4, lines 23-63; column 5, lines 27-52*),

characterized in that the method comprises the following steps:

the processes performing supervision tasks in the supervision block (2) of the supervision system and/or the objects monitored by them are registered in the supervision center (1) automatically as the processes in the supervision block (2) become ready for operation (*column 4, lines 52-65; column 5, lines 1-52*); and

information about the processes in the supervision block (2) and/or about the services produced by them and/or about the objects monitored is saved in the supervision center (1) in conjunction with the registration (*column 8, lines 1-47*).

Regarding **claim 2**, Pattison discloses the method as defined in claim 1, characterized in that the supervision system is a telephone switching system (*column 4, lines 23-36; fig. 1, item 10*).

Regarding **claim 3**, Pattison discloses the method as defined in claim 1 or 2, characterized in that a supervision block (2) process performing supervision tasks comprises a communication interface (3) through which operational commands are received from the supervision center (1)(*column 12, lines 35-59*).

Regarding **claim 4**, Pattison discloses the method as defined in any one of claims 1-3, characterized in that the state of a registered supervision block (2) process performing a supervision task is checked before an action request is sent to it (*column 4, lines 63-67; column 5, lines 1-53*).

Regarding **claim 5**, Pattison discloses the method as defined in any one of claims 1-4, characterized in that the supervision center (1) comprises a user interface (4) via which the supervision center (1) and/or the supervision block (2) processes performing supervision tasks are controlled (*fig. 1, items 12, and 30; column 4, lines 37-51*).

Regarding **claim 6**, Pattison discloses the method as defined in any one of claims 1-5, characterized in that the supervision center (1) comprises an interface (5) for receiving the registration data when supervision block (2) processes performing supervision tasks are registered in the supervision center (1) (*column 4, lines 63-67; column 5, lines 1-65*).

Regarding **claim 7**, Pattison discloses the method as defined in any one of claims 1-6, characterized in that the result of the supervision block (2) process performing a supervision task is sent to the supervision center (1) (*column 7, lines 15-65*).

Regarding **claim 8**, Pattison discloses the method as defined in any one of claims 1-7, characterized in that the registrations of the supervision block (2) processes are stored in a supervision file in the supervision center (1) (*column 6, lines 58-67*).

Regarding **claim 9**, Pattison discloses the method as defined in any one of claims 1-8, characterized in that the operation of the supervision block (2) process performing a supervision task is verified in conjunction with the registration and an alarm is issued if the supervision block (2) process performing a supervision task does not produce a response to a test command (*column 26, lines 13-62; column 12, lines 35-60*).

Regarding **claim 10**, Pattison discloses the method as defined in any one of claims 1-9, characterized in that an alarm is issued if the response produced by the supervision block (2) process performing a supervision task is inaccurate; and/or no supervision block (2) processes performing supervision tasks are registered at all; and/or the number of test cases in the supervision file is lower after a restart of the system (*column 26, lines 13-62; column 28, lines 2-60*).

Regarding **claim 11**, Pattison discloses the method as defined in any one of claims 1-10, characterized in that the supervision block (2) process performing a supervision task determines the address of the supervision center (1) via a name

service (*column 28, lines 2-60; note the call center traffic statistics are part of the logged sessions information*).

Regarding **claim 12**, Pattison discloses the method as defined in any one of claims 1-11, characterized in that the supervision file contains the address and/or identifier and/or test parameters and/or initial values of test parameters of the supervision block (2) process performing a supervision task and/or other information (*column 28, lines 2-60*).

Regarding **claim 13**, Pattison discloses the method as defined in any one of claims 1-12, characterized in that a registering supervision block (2) process performing a supervision task contains one or more objects of monitoring (*column 11, lines 6-30*).

Regarding **claim 14**, Pattison discloses the method as defined in any one of claims 1-13, characterized in that a supervision block (2) process performing a supervision task that impairs the normal operation of the telephone switching center shall not register in the supervision center (1) (*column 16, lines 17-67*).

Regarding **claim 15**, Pattison discloses the method as defined in any one of claims 1-14, characterized in that the supervision system comprises one or more supervision centers (1) in operation (*column 4, lines 23-63*).

Regarding **claim 16**, Pattison discloses the method as defined in any one of claims 1-15, characterized in that the supervision block (2) process performing a supervision task and/or the maintenance of the monitoring object of the process are/is discontinued and the respective entry is deleted from the supervision file (*column 2,*

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lines 42-65).

Regarding **claim 17**, Pattison discloses a System for automatically configuring supervision and performing supervision in a supervision system (*fig. 1; column 4, lines 23-63*) comprising:

a supervision center (1) (*column 4, lines 23-63; note that the automatic scheduling and monitoring system is built around the environment item 10 of figure 1*);

a supervision block (2) which contains processes performing supervision tasks(*fig. 1, item 34; fig. 5, item 164; column 4, lines 52-65*),

which method comprises the steps of:

monitoring and/or controlling via the supervision center (1) the supervision block (2) processes performing supervision tasks (*column 4, lines 23-63; column 5, lines 27-52*),

characterized in that the system comprises:

means (6) for automatically registering in the supervision center (1) the objects monitored by the supervision block (2) processes performing tasks of supervision of the operation of the supervision system (*column 4, lines 52-65; column 5, lines 1-52*); and

means (7) for saving information relating to the processes performing supervision tasks and/or to the services produced by them in the supervision center (1) in conjunction with registration (*column 8, lines 1-47*).

Regarding **claim 22**, Pattison discloses the system as defined in any one of claims 17-21, characterized in that the system comprises means (11) for receiving the

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registrations of supervision block (2) processes performing supervision tasks via an interface (5) (*fig. 1, item 14; column 4, lines 23-64*).

Regarding **claim 23**, Pattison discloses the system as defined in any one of claims 17-22, characterized in that the system comprises means (12) for sending the result of the supervision block (2) process performing a supervision task to the supervision center (1) (*column 7, lines 15-65*).

Regarding **claim 26**, Pattison discloses the system as defined in any one of claims 17-25, characterized in that the system comprises means (16) for analyzing the results associated with the processes performing supervision tasks (*column 1, lines 65-67; column 2, lines 1-36*).

Claim 18 list all the same elements of **claim 2**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 2** applies equally as well to **claim 18**.

Claim 19 list all the same elements of **claim 9**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 9** applies equally as well to **claim 19**.

Claim 20 list all the same elements of **claim 4**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 4** applies equally as well to **claim 20**.

Claim 21 list all the same elements of **claim 3**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 3** applies equally as well to **claim 21**.

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Claim 24 list all the same elements of **claim 8**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 8** applies equally as well to **claim 24**.

Claim 27 list all the same elements of **claim 11**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 11** applies equally as well to **claim 27**.

Claim 28 list all the same elements of **claim 15**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 15** applies equally as well to **claim 28**.

Claim 29 list all the same elements of **claim 16**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claim 16** applies equally as well to **claim 29**.

Claim 25 is substantially the same as **claim 10**, and is thus rejected for reasons similar to those in rejecting **claim 10**.

Response to Arguments

5. Applicant's Request for Reconsideration filed on June 7th, 2004 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. The applicant believed that claims 1-29 were meant to be rejected and that applicant requests clarification as to the status of claim 29.

B. The Pattison patent fails to disclose or suggest all the features and elements of the claims

C. Applicant contends that independent claims 1, and 17 have not been amended to further define a method for automatically configuring supervision and performing supervision in a supervision system. And that cited Pattison fails to provide the critical and unobvious advantages of the invention.

D. Referring to figure 1 of Pattison, block 34 is cited in the office action as showing the supervision block recited in the claims.

6. As to "Point A" it is the position of the Examiner that claims 1-29 were addressed in the First Office Action. Although the examiner mistakenly mentioned claims 1-28 in page 2 of the first Office Action, he clearly addressed the limitations of claim 29 in page 9 of the same. Thus, the applicants' belief that claims 1-29 were meant to be rejected is correct.

As to "Point B", it is also the Examiner's position that at Col. 3, lines 23-67, that Pattison teaches a "*method and system for monitoring call center service representatives*" which anticipates the "*method and system for implementing supervision in a telecommunication system*" of this invention. Applicants' traversals are unpersuasive for the following reason:

-applicant merely gives any facts to support the argument that Pattison does not teach all the limitations of the claims. Examiner respectfully disagrees with applicant's assertion. Applicant is kindly advised to discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

As to "Point C", it is also the Examiner's position that independent claims 1, and 17 have not been amended to define a method for automatically configuring supervision and performing supervision in a supervision system in a way that is different from the prior art in record. The Rejection is sustained and that every limitation of claims 1 and 27 are taught by Pattison as explained in the rejection of claims 1 and 17 above.

As to "Point D", it is also the Examiner's position that Block 34 is a link, but a link that obtains agent and supervisor names, identification numbers, customer information and any other information relating to the operation of the call center [see column 4, lines 52-67].

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.


Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

July 31, 2005



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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